IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1322 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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ANANDIBEN B RAJPUT

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 1322 of 1999

MR BP GUPTA for Petitioner No. 1

,AGP for Respondent No. 1-2

MS SONAL D VYAS for Respondent No. 3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 19/08/2002

ORAL JUDGEMENT

1. The petitioner has challenged the order at Annexure "A" dated 16th January, 1999 by which the

petitioner has been removed from Presidentship as well as Member of the Panchayat. The said decision is taken under Section 37 of the Gujarat Municipalities Act.

2. By virtue of the said removal another election came to be held and now the entire term of the Municipality is over, and therefore, the petition has become infructuous. However, it is clarified that as and when, new elections are to be held, the candidature of the petitioner may be considered on its own merits without being influenced by the aforesaid order. The authority at the time of taking decision shall take into account the Division Bench judgment of this Court in the case of CHIMANBHAI R. PATEL VS. ANAND MUNICIPALITY AND ORS., reported in 1983(1) G.L.R p.67.

3. With the aforesaid observations, the petition stands disposed of as having become infructuous. Rule is discharged.

(P.B.Majmudar,J)

stanley-pbm.